

Judge Lasnik

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

No. CR12-0001RSL

Plaintiff,

v.

GOVERNMENT'S OPPOSITION TO  
DEFENDANT'S MOTION TO  
CONTINUE SENTENCING HEARING

TIMOTHY G. DORAN,

Defendant.

Comes now the United States of America, by and through Jenny A. Durkan, United States Attorney for the Western District of Washington, and Andrew C. Friedman and Brian D. Werner, Assistant United States Attorneys for said District, and files this Government's Opposition to Defendant's Motion to Continue Sentencing Hearing.<sup>1</sup>

Defendant, Timothy Doran, originally was arrested in this case on December 21, 2011, and his trial originally was scheduled for March 12, 2012. Doran subsequently requested two continuances of his trial, which was continued until June 4, 2012, and then until October 15, 2012. After Doran filed, and this Court denied, yet another motion to

<sup>1</sup> The Government notes that Doran has also filed a motion asking the Court to accelerate the noting date of Doran's motion to continue his sentencing. Docket No. 112. As stated in that motion, the Government does not object to the Court accelerating the noting date of Doran's motion for a continuance to September 17, 2014.

1 continue his trial, Doran pled guilty on September 21, 2012, to failing to register as a sex  
2 offender, in violation of 18 U.S.C. § 2250.

3 After an initial continuance, Doran's sentencing hearing was scheduled, and  
4 began, on March 22, 2013. The Government presented the testimony of a Vietnamese  
5 police officer, whom it had brought from Vietnam for the hearing. Doran's then-counsel  
6 stated, however, that he was unprepared to cross examine the officer, and the remainder  
7 of the hearing was continued until May 23, 2013, to allow Doran's then-counsel time to  
8 prepare. Doran subsequently moved for a continuance of his sentencing, and also to  
9 withdraw his guilty plea. After Doran's motion to withdraw his guilty plea was stricken,  
10 and following the withdrawal of Doran's then-counsel (who himself was the second  
11 lawyer to represent Doran), Doran's current counsel was appointed and requested that  
12 Doran's sentencing hearing be continued until April 1, 2014, more than a year after it had  
13 begun.

14 As a result, on April 1, 2014, the Government completed its presentation of  
15 evidence. The parties subsequently filed briefs concerning whether the Government had  
16 proven that Doran had committed the murder in Vietnam, and whether the Court could  
17 consider this fact in sentencing Doran. The Court then scheduled Doran's sentencing for  
18 October 2, 2014, and issued an Order in which it held that the Government had proven by  
19 clear and convincing evidence that Doran had committed the murder, and also held that  
20 the Court could consider this fact as a basis for varying upward from Doran's sentencing  
21 range pursuant to 18 U.S.C. § 3553(a).

22 Now, Doran is seeking yet a further continuance of his sentencing. Doran claims  
23 that he requires this additional continuance to allow one of his attorneys, Jay Stansell  
24 (who served as co-counsel to Doran's current counsel, but has since retired), to dictate the  
25 notes of Mr. Stansell's trip to Vietnam to conduct investigation in this case, so that Doran  
26 can receive a typed copy of the notes. Doran asserts that he needs to review the typed  
27 notes to decide whether to ask the Court to "reopen" its ruling, and to decide whether a  
28 conflict exists between him and his current counsel.

1 Doran's own motion acknowledges, however, that (1) Doran has received a copy  
2 of the handwritten notes and been able to read at least a portion of them that is legible,  
3 and (2) Mr. Stansell met with Doran and reviewed the contents of the notes with Doran  
4 prior to the conclusion of the sentencing hearing. Defendant's Mot. at 2. And Doran  
5 fails to explain how the notes -- or any information in the notes -- could materially affect  
6 the basis for the Court's ruling (to which the Vietnamese investigation was largely  
7 irrelevant). Doran also fails to explain how they could affect Doran's decision of  
8 whether to ask for reconsideration and to testify at a reopened hearing, or could establish  
9 a conflict between Doran and his current counsel.

10 In sum, Doran's sentencing has been continued more than two full years from the  
11 date that Doran entered his guilty plea. This delay has been almost entirely attributable to  
12 Doran's requests for new counsel and for lengthy continuances or delays of his  
13 sentencing. None of these delays has resulted in the discovery of any significant  
14 evidence that would undermine the Court's finding that Doran committed the murder in  
15 Vietnam. And Doran has not given this Court any reason to believe that a further  
16 continuance to allow him to review typed copies of Mr. Stansell's notes would either  
17 undermine that finding or suggest any conflict on the part of Doran's counsel.

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1 Put simply, it is time for this Court to sentence Doran. Therefore, the Court  
2 should deny Doran's Motion to Continue Sentencing and should conduct sentencing on  
3 October 2, 2014, as scheduled.

4 DATED: this 16th day of September, 2014.

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6 Respectfully submitted,

7 JENNY A. DURKAN  
8 United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s).

s/Katelyn Mitchell

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